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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,560	02/11/2004	Franck Abelard	PF030038	2786
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EXAMINER				
BROWN, CHRISTOPHER J				
ART UNIT		PAPER NUMBER		
2134				
MAIL DATE		DELIVERY MODE		
09/22/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/776,560

**Applicant(s)**

ABELARD ET AL.

**Examiner**

CHRISTOPHER J. BROWN

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

The Request for Continued Examination has been accepted and entered.

#### ***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection in view of Satyanarayanan US 6,663,198

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger US 2004/0062398 in view of Satyanarayanan US 6,663,198.

As per claim 1, Unger teaches recording scrambled digital data comprising the steps consisting of receiving a scrambled digital data stream [0022]. Unger teaches

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identifying in said data stream a control packet containing at least one key for descrambling at least a part of the data of the stream (ECM) [0022]. Unger teaches storing said control packet in a table (keys stored in a table) [0024]. Unger teaches recording the data stream and the table on a data storage medium (content stored in content store) [0019]. Unger teaches the data stream received in step comprises a plurality of control packets containing at least one descrambling key, wherein the storage step is carried out only if the control packet identified in step is not already stored in said table (multiple packets have ECM and all are different with respect to a function of time or packet number) [0022], [0026].

Unger does not teach not storing the control packet if it is already stored.

Satyanarayanan teaches checking a table to see if a key exists, and if it does exist, the operation will terminate, but if it does not exist it will enter data (Col 12 lines 10-20).

It would have been obvious to one of ordinary skill in the art to use the checking of Satyanarayanan with the system of Unger in order to prevent overwriting previously stored data.

As per claim 3, Unger teaches an index indicating the position of the control packet in the data stream is moreover stored in the table (ECM as a function of time or as a function of packets received) [0025], [0026].

As per claims 4, and 5 Unger teaches the index comprises a serial number of the control packet with respect to the first packet of the data stream recorded (packet # or time index)

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[0025], [0026] Fig 3.

As per claim 6 Unger teaches a data storage medium, containing: a scrambled digital data stream comprising control packets each containing at least one key for descrambling a part of the digital data, the control packets being multiplexed with the data packets, and a table, stored separately from the data stream and containing at least one control packet (ECM sent with content, and stored in a table separate from content), [0022], [0024].

As per claims 7, and 8, and 9. table also contains, for each control packet, an index, # of the packet, or time stamp indicating the position of the control packet in the data stream. table (ECM as a function of time or as a function of packets received, packet # or time index) [0025], [0026] Fig 3.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER J. BROWN whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher J Brown/  
Primary Examiner, Art Unit 2134

9/13/08